

Remarks

Entry of the foregoing and reconsideration of the application identified in caption as amended, pursuant to and consistent with the Rules of Practice in Patent Cases, and in light of the remarks which follow, is respectfully requested.

By the present amendment claim 1 has been amended, and new claims 36-38 have been added, so that claims 1-7, 9-12, 15-17, and 25-38 will be pending upon entry of the present amendment. Support for the present claim amendments and new claims can be found in the specification at least at page 8, lines 19-23; page 16, lines 13-16; and page 18, lines 8-13.

Claims 1-7, 9-12, 15-17 and 25-35, now represented by claims 1-7, 9-12, 15-17, and 25-38, stand rejected under 35 U.S.C. § 103(a) as being obvious over Moon in view of Roach. This rejection is respectfully traversed.

Moon is a U.S. Patent Application Publication having a publication date of May 24, 2001. As explained in detail below, the present application has an effective filing date of January 26, 2001, which precludes Moon from qualifying as prior art under 35 U.S.C. § 102(a).

The present application claims benefit under 35 U.S.C. § 119(e) to Provisional Patent Application No. 60/264,501 filed January 26, 2001. The provisional application fully supports the present claims in accordance with 35 U.S.C. § 112. The main features of current claim 1 are supported by the provisional application (as indicated by page and line numbers of the provisional application) at least as follows: the robot autosampler (page 4, line 14-15) includes: (a) a housing (page 4, line 14-15); (b) a chip holder (page 4, lines 18-19) mounted to the housing; (c) an electrospray chip (page 5, lines 25-27) having a plurality of nozzles mounted to the chip holder; (d) a probe carriage (page 4, lines 18-23) mounted to the housing and moveable between a sample source (page 6, lines 5-9) and the electrospray chip; (e) a fluid delivery probe (page 4, lines 18-23) moveable within the probe carriage which loads a first disposable pipette tip onto the fluid delivery probe, accepts sample from the sample source into the first disposable pipette tip and discharges sample to a first nozzle on the electrospray chip, wherein the fluid delivery probe is in fluid communication with a pressure source (page 6, lines 7-9); (f) a first voltage applied to the electrospray chip (page 6, lines 24-30); and (g) a second voltage applied to the fluid sample (page 6, lines 16-23) contained in the disposable pipette tip loaded on the delivery probe, wherein the fluid voltage is

electrically insulated from the chip voltage and wherein the first and second voltages and fluid pressure are controlled to provide a fluid flow rate and simultaneous voltage to form an electrospray of the fluid sample from the nozzle on the electrospray chip.

Accordingly, Moon does not qualify as prior art under 35 U.S.C. § 102(a) and thus fails to support an obviousness rejection under 35 U.S.C. § 103(a). Withdrawal of the record rejection is respectfully requested.

Moreover, Roach discloses an automated apparatus including a probe carriage mounted to a housing and moveable between a sample source and a microchip, i.e., a substrate containing channels. Roach does not disclose or suggest electrospraying of the sample, i.e., the microchip is not equipped with a nozzle and thus is not an electrospray device, nor is there any teaching to provide a voltage differential between the fluid and the microchip nor a teaching to provide suitable fluid sample flow rates, which are required to create an electrospray. Thus, while Roach may disclose an automated apparatus capable of providing a microchip with electrical current, there is no teaching or suggestion for providing voltage to the microchip while simultaneously providing insulated voltage to the fluid sample at acceptable fluid flow rates to support electrospray. Additionally, there is no teaching of an electrospray device nor a pressure source capable of supplying the fluid sample to an electrospray device at a low flow rate. Moreover, there simply is no teaching of how one would modify the apparatus of Roach to do so.

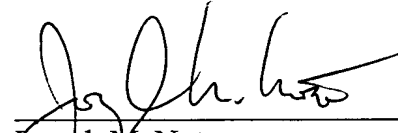
Accordingly, it would not have been obvious to one of ordinary skill at the time of the invention to provide an automated apparatus including a probe carriage mounted to a housing and moveable between a sample source and an electrospray device which provides a voltage differential between the fluid sample and the insulated electrospray device and supplying liquid sample at a suitable flow rate which is capable of creating an electrospray of sample in an automated fashion.

Consequently, claims 1-7, 9-12, 15-17, and 25-38 are not rendered obvious from the teachings of the cited prior art. Withdrawal of the record rejection under 35 U.S.C. § 103(a) for obviousness over Moon in view of Roach is respectfully requested.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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